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F. #2019R

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK
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UNITED STATES OF AMERICA

COMPLAINT

- against -

(8 U.S.C. § 1326(a))

GASPAR LOPEZ,
also known as "Oswaldo Hernandez,"
"Juan Lopez," "Jonathon Perez,"
and "Jhonatthan Zuniga Lopez,"

Defendant.

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EASTERN DISTRICT OF NEW YORK, SS:

DENNIS CARROLL, being duly sworn, deposes and states that he is a Deportation Officer with the United States Immigration and Customs Enforcement, duly appointed according to law and acting as such.

On or about April 21, 2019, within the Eastern District of New York and elsewhere, the defendant GASPAR LOPEZ, also known as "Oswaldo Hernandez," "Juan Lopez," "Jonathon Perez," and "Jhonatthan Zuniga Lopez," an alien who had previously been deported from the United States, was found in the United States, without the Secretary of the United States Department of Homeland Security having expressly consented to such alien's applying for admission.

(Title 8, United States Code, Sections 1326(a))

The source of your deponent's information and the grounds for his/her belief are as follows:¹

1. I am a Deportation Officer with the United States Immigration and Customs Enforcement ("ICE") and have been involved in the investigation of numerous cases involving the illegal reentry of aliens. I am familiar with the facts and circumstances set forth below from my participation in the investigation; my review of the investigative file, including the defendant's criminal history record; and from reports of other law enforcement officers involved in the investigation.

2. On or about May 22, 1996, the defendant GASPAR LOPEZ, also known as "Oswaldo Hernandez," "Juan Lopez," "Jonathon Perez," and "Jhonatthan Zuniga Lopez," was arrested in Nassau County (using the name "Oswaldo Hernandez") for operating a motor vehicle while intoxicated, in violation of New York Vehicle and Traffic Law ("VTL") §1192(2). On or about August 20, 1996 a bench warrant was issued for LOPEZ.

3. On or about November 27, 1997, the defendant GASPAR LOPEZ, also known as "Oswaldo Hernandez," "Juan Lopez," "Jonathon Perez," and "Jhonatthan Zuniga Lopez," was arrested in Nassau County (using the name "Juan Lopez") for operating a motor vehicle while intoxicated, in violation of VTL §1192(2). On or about December 29, 1997 a bench warrant was issued for LOPEZ.

¹ Because the purpose of this Complaint is to set forth only those facts necessary to establish probable cause to arrest, I have not described all the relevant facts and circumstances of which I am aware.

4. On or about January 11, 1998, the defendant GASPAR LOPEZ, also known as "Oswaldo Hernandez," "Juan Lopez," "Jonathon Perez," and "Jhonatthan Zuniga Lopez," was arrested in Nassau County (using the name "Jonathon Perez") for operating a motor vehicle while intoxicated, in violation of VTL §1192(2). On or about January 21, 1998, a bench warrant was issued for LOPEZ.

5. On or about October 2, 1998, the defendant GASPAR LOPEZ, also known as "Oswaldo Hernandez," "Juan Lopez," "Jonathon Perez," and "Jhonatthan Zuniga Lopez," was arrested in Nassau County (using the name "Gaspar Lopez") for operating a motor vehicle while intoxicated, in violation of VTL §1192(2). On or about January 21, 1998 a bench warrant was issued for LOPEZ. On or about December 14, 1998, LOPEZ pleaded guilty to driving while ability impaired with 2 or more prior convictions, in violation of VTL 1192(1) and sentenced to a conditional discharge. On April 13, 1999, a bench warrant was issued for LOPEZ.

6. On or about January 16, 2000, the defendant GASPAR LOPEZ, also known as "Oswaldo Hernandez," "Juan Lopez," "Jonathon Perez," and "Jhonatthan Zuniga Lopez," was arrested in Nassau County (using the name "Gaspar Lopez") for operating a motor vehicle while intoxicated, in violation of VTL §1192(2)r and also returned on the outstanding bench warrants. On or about April 5, 2000, LOPEZ pleaded guilty to (1) violation of VTL 1192(1) in satisfaction of the 1996 drunk driving arrest, (2) violation of VTL 1192(1) in satisfaction of the 1997 drunk driving arrest, (3) violation of VTL 1192(2) in satisfaction of the January 1998 drunk driving arrest, and (4) violation of VTL 1192(2) in satisfaction of the January 2000 drunk driving arrest. Also on or about April 5, 2000, LOPEZ was also resentenced on the October 1998 drunk driving arrest.

7. On or about October 18, 2000, the defendant GASPAR LOPEZ, also known as "Oswaldo Hernandez," "Juan Lopez," "Jonathon Perez," and "Jhonatthan Zuniga Lopez," was deported from the United States to Guatemala, where LOPEZ is a citizen. On or about May 6, 2006, LOPEZ was arrested in Arizona by the United States Border Patrol and expeditiously removed from the United States on May 19, 2006. On or about July 1, 2011, LOPEZ was found back in the United States. On or about April 20, 2017, LOPEZ was removed from the United States for the third time.

8. On or about April 21, 2019, the defendant GASPAR LOPEZ, also known as "Oswaldo Hernandez," "Juan Lopez," "Jonathon Perez," and "Jhonatthan Zuniga Lopez," was arrested in Nassau County (using the name "Jhonatthan Zuniga Lopez") for felony aggravated unlicensed operation of a motor vehicle, in violation of VTL 511(3), and drunk driving, in violation of VTL 1192(2) and (3). On or about April 30, 2019, a fingerprint comparison was conducted using the fingerprints taken from LOPEZ at the time of his 2000 deportation, his 2006 deportation, his 2017 deportation and his April 21, 2019 arrest, which indicated that the fingerprints were made by the same person, to wit: LOPEZ.

9. On or about June 6, 2019, the defendant GASPAR LOPEZ, also known as "Oswaldo Hernandez," "Juan Lopez," "Jonathon Perez," and "Jhonatthan Zuniga Lopez," was arrested (using the name "Jhonatthan Zuniga Lopez") by members of the United States Marshals NY/NJ Regional Fugitive Task Force in Freeport, New York on probable cause of illegally reentering the United States after deportation.² Additionally, fingerprints taken

² Members of the Task Force were initially able to identify LOPEZ from the photograph on his rap sheet.

incident to the defendant's arrest on June 6, 2019 matched the fingerprint comparison analysis conducted on or about April 30, 2019.

10. A search of immigration records has revealed that there exists no requests by the defendant GASPAR LOPEZ, also known as "Oswaldo Hernandez," "Juan Lopez," "Jonathon Perez," and "Jhonatthan Zuniga Lopez," for permission from either the United States Attorney General or the Secretary of the Department of Homeland Security to re-enter the United States after his deportation.

WHEREFORE, your deponent respectfully requests that the defendant GASPAR LOPEZ, also known as "Oswaldo Hernandez," "Juan Lopez," "Jonathon Perez," and "Jhonatthan Zuniga Lopez," be dealt with according to law.



DENNIS CARRODI
Deportation Officer, United States Immigration
and Customs Enforcement

Sworn to before me this
6 day of June, 2019



THE HONORABLE GARY R. BROWN
UNITED STATES MAGISTRATE JUDGE
EASTERN DISTRICT OF NEW YORK